

AO 440 (Rev. 10/93) Summons in a Civil Case - SDNY WEB 4/99

# United States District Court

SOUTHERN

DISTRICT OF NEW YORK

 ORIGINAL

TRUCKNOLOGY, INC.

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

ON THE MOVE, INC.

**'08 CIV 61087**

TO: (Name and address of defendant)

ON THE MOVE, INC., 2885 LH 10 West, Boerne, Texas 78006

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

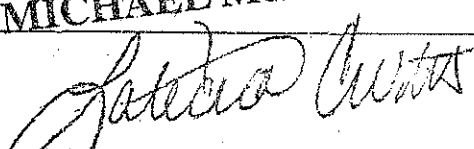
WHITE, CIRRITO & NALLY, LLP  
58 Hilton Avenue  
Hempstead, NY 11550

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

**J. MICHAEL McMAHON**

(BY) DEPUTY CLERK



DATE

**JUL 03 2008**

WHITE, CIRRITO & NALLY, LLP  
Michael L. Cirrito, Esq. (9053)  
[info@whiteandcirrito.com](mailto:info@whiteandcirrito.com)  
58 Hilton Avenue  
Hempstead, New York 11550  
(516) 292-1818

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
TRUCKNOLOGY, INC.,

v.

ON THE MOVE, INC.,  
-----X

**COMPLAINT**

**Jury Demanded**

Plaintiff, TRUCKNOLOGY, INC. ("TRUCKNOLOGY"), by and through its attorneys,  
WHITE, CIRRITO & NALLY, LLP, as and for its Complaint against Defendant ON THE  
MOVE, INC. ("OTM"), alleges as follows:

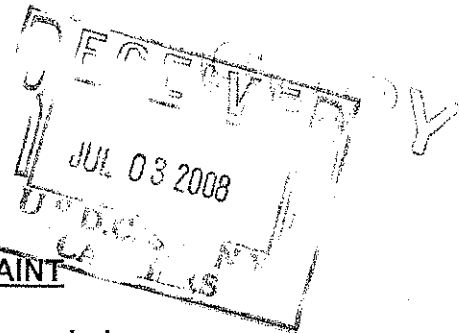
**THE PARTIES**

1. The Plaintiff, TRUCKNOLOGY, is a New York Corporation with its principal place of business located at 1130 Zerega Avenue, Bronx, New York 10462.
2. Upon information and belief, the Defendant OTM is a Michigan Corporation with its principal place of business located at 28825 IH 10 West, Boerne, Texas 78006.

**JURISDICTION and VENUE**

3. This Court has jurisdiction over this action by virtue of 28 USC §1332(a) because the parties are citizens of different States and the amount in controversy exceeds \$75,000.00, exclusive of costs and interest.
4. Venue is proper in this District under 28 USC §1391(a) because TRUCKNOLOGY has its principal place of business in this District.

08 CIV 6108



JS 44C/SDNY  
REV. 1/2008

## CIVIL COVER SHEET

The JS 44C civil cover sheet and the information contained herein are to be used by the filer to assist in the filing and service of pleadings or other papers as required by law, except as provided by the rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of identifying the civil docket sheet.

08 CIV 6108

JUL 03 2008

PLAINTIFFS TRUCKNOLOGY, INC. DEFENDANTS ON THE MOVE, INC.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) ATTORNEYS (IF KNOWN)

WHITE, CIRRITO & NALLY, LLP  
58 Hilton Avenue  
Hempstead, NY 11550 (516) 292-1818

CAUSE OF ACTION: CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERGENT)

28 USC Section 1332, diversity, fraud and breach of contract

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol ☐ Invol ☐ Dismissed. No ☐ Yes ☐ If yes, give date & Case No

(PLACE AN [X] IN ONE BOX ONLY)

## NATURE OF SUIT

| TORTS   |  | ACTIONS UNDER STATUTES  |  |   |  |
|---|--|---|--|---|--|
| <b>CONTRACT</b>   | <b>PERSONAL INJURY</b>   | <b>PERSONAL INJURY</b>  | <b>FORFEITURE/PENALTY</b>  | <b>BANKRUPTCY</b>   | <b>OTHER STATUTES</b>  |
| <input type="checkbox"/> 110 INSURANCE<br><input type="checkbox"/> 120 MARINE<br><input type="checkbox"/> 130 MILLER ACT<br><input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT<br><input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT<br><input type="checkbox"/> 151 MEDICARE ACT<br><input type="checkbox"/> 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)<br><input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS<br><input type="checkbox"/> 154 STOCKHOLDERS SUITS<br><input checked="" type="checkbox"/> 155 OTHER CONTRACT<br><input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY<br><input type="checkbox"/> 196 FRANCHISE | <input type="checkbox"/> 310 AIRPLANE<br><input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY<br><input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER<br><input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY<br><input type="checkbox"/> 340 MARINE<br><input type="checkbox"/> 345 MARINE PRODUCT LIABILITY<br><input type="checkbox"/> 350 MOTOR VEHICLE<br><input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY<br><input type="checkbox"/> 356 OTHER PERSONAL INJURY | <input type="checkbox"/> 362 PERSONAL INJURY MED MALPRACTICE<br><input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY<br><input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY<br><br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 OTHER FRAUD<br><input type="checkbox"/> 371 TRUTH IN LENDING<br><input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE<br><input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY | <input type="checkbox"/> 610 AGRICULTURE<br><input type="checkbox"/> 620 OTHER FOOD & DRUG<br><input type="checkbox"/> 625 DRUG RELATED SEIZURE OF PROPERTY<br><input type="checkbox"/> 21 USC 881<br><input type="checkbox"/> 630 LIQUOR LAWS<br><input type="checkbox"/> 640 RR & TRUCK<br><input type="checkbox"/> 650 AIRLINE REGS<br><input type="checkbox"/> 655 OCCUPATIONAL SAFETY/HEALTH<br><input type="checkbox"/> 690 OTHER<br><br><b>LABOR</b><br><input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT<br><input type="checkbox"/> 720 LABOR/MGMT RELATIONS<br><input type="checkbox"/> 730 LABOR/MGMT REPORTING & DISCLOSURE ACT<br><input type="checkbox"/> 740 RAILWAY LABOR ACT<br><input type="checkbox"/> 750 OTHER LABOR LITIGATION<br><input type="checkbox"/> 791 EMPL RET INC SECURITY ACT<br><br><b>IMMIGRATION</b><br><input type="checkbox"/> 452 NATURALIZATION APPLICATION<br><input type="checkbox"/> 463 HABEAS CORPUS ALIEN DETAINEE<br><input type="checkbox"/> 465 OTHER IMMIGRATION ACTIONS | <input type="checkbox"/> 427 APPEAL<br><input type="checkbox"/> 28 USC 158<br><input type="checkbox"/> 423 WITHDRAWAL<br><input type="checkbox"/> 28 USC 157<br><br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 COPYRIGHTS<br><input type="checkbox"/> 830 PATENT<br><input type="checkbox"/> 840 TRADEMARK<br><br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 BIA (1959)<br><input type="checkbox"/> 862 BLACK LUNG (973)<br><input type="checkbox"/> 863 DISCARDING (1953)<br><input type="checkbox"/> 864 SSI (1970)<br><input type="checkbox"/> 865 NSI (4050)<br><br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 TAXES (U.S. Plaintiff Defendant)<br><input type="checkbox"/> 871 IRS-THIRD PARTY<br><input type="checkbox"/> 26 USC 7609 | <input type="checkbox"/> 1400 STATE REAPPOINTMENT<br><input type="checkbox"/> 1410 ANTI-TRUST<br><input type="checkbox"/> 1430 BANKS & BANKING<br><input type="checkbox"/> 1450 COMMERCE<br><input type="checkbox"/> 1460 DEPORTATION<br><input type="checkbox"/> 1470 PACKAGE/INFLUENCED & CORRUPT ORGANIZATION ACT (PRC)<br><input type="checkbox"/> 1480 CONSUMER CREDIT<br><input type="checkbox"/> 1490 CABLE/SATELLITE TV<br><input type="checkbox"/> 1510 SELECTIVE SERVICE<br><input type="checkbox"/> 1550 SECURITIES/COMMODITIES EXCHANGE<br><input type="checkbox"/> 1555 CUSTOMER CHALLENGE<br><input type="checkbox"/> 1556 DISC 2410<br><input type="checkbox"/> 1557 OTHER STATUTORY ACTIONS<br><input type="checkbox"/> 1591 AGRICULTURAL ACTS<br><input type="checkbox"/> 1592 ECONOMIC STABILIZATION ACT<br><input type="checkbox"/> 1593 ENVIRONMENTAL MATTERS<br><input type="checkbox"/> 1594 ENERGY ALLOCATION ACT<br><input type="checkbox"/> 1595 FREEDOM OF INFORMATION ACT<br><input type="checkbox"/> 1596 APPEAL OF FBI DETERMINATION UNDER FOIA<br><input type="checkbox"/> 1597 ACCESS TO JUSTICE<br><input type="checkbox"/> 1598 CONSTITUTIONALITY OF STATE STATUTES |
| <b>REAL PROPERTY</b>  | <b>ACTIONS UNDER STATUTES</b>  | <b>CIVIL RIGHTS</b>   | <b>PRISONER PETITIONS</b>  |   |  |
| <input type="checkbox"/> 110 LAND<br><input type="checkbox"/> 120 CONDEMNATION<br><input type="checkbox"/> 220 FORECLOSURE<br><input type="checkbox"/> 230 RENT LEASE & EJECTMENT<br><input type="checkbox"/> 240 TORTS TO LAND<br><input type="checkbox"/> 245 TORT PRODUCT LIABILITY<br><input type="checkbox"/> 290 ALL OTHER REAL PROPERTY  | <input type="checkbox"/> 441 VOTING<br><input type="checkbox"/> 442 EMPLOYMENT<br><input type="checkbox"/> 443 HOUSING/ACCOMMODATIONS<br><input type="checkbox"/> 444 WELFARE<br><input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - EMPLOYMENT<br><input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - OTHER<br><input type="checkbox"/> 440 OTHER CIVIL RIGHTS  | <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCES<br><input type="checkbox"/> 28 USC 2255<br><input type="checkbox"/> 530 HABEAS CORPUS<br><input type="checkbox"/> 535 DEATH PENALTY<br><input type="checkbox"/> 540 MANDAMUS & OTHER<br><input type="checkbox"/> 550 CIVIL RIGHTS<br><input type="checkbox"/> 555 PRISON CONDITION   |  |   |  |

Check if demanded in complaint.

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. OR STATE

DEMAND \$ OTHER

JUDGE BATTIS

DOCKET NUMBER 08-cv-2533

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

Is this case involves the same parties and the same business relationship between the parties?

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

08 CV 6108 COP

TRUCKNOLOGY, INC.,

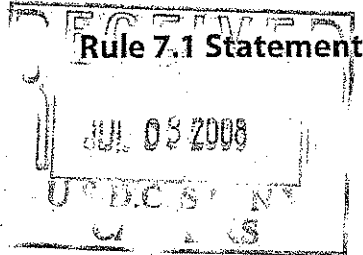
Plaintiff,

-v-

ON THE MOVE, INC.,

Defendant.

Case No. \_\_\_\_\_



Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for

TRUCKNOLOGY, INC.

(a private non-governmental party)

certifies that the following are corporate parents, affiliates and/or subsidiaries of said party, which are publicly held.

NONE

Date: 7/2/08

  
Signature of Attorney

Attorney Bar Code: MLC9053